

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE  
(PPA) PRODUCTS LIABILITY  
LITIGATION,

MDL NO. 1407

ORDER GRANTING MOTION TO  
EXTEND CASE-SPECIFIC FACT  
DISCOVERY DEADLINE

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This document relates to:

Patricia Green v. Wyeth,  
No. 3-cv-3206.

Defendant Wyeth moves this court for an order extending the case-specific fact discovery deadline in the above-referenced matter by three months, to August 15, 2005. Plaintiff does not object to this motion. Having reviewed the motion, the court hereby finds and rules as follows:

This court previously granted a three month extension in this case. Wyeth claims that a second extension is necessary because it still needs to obtain plaintiff's social security records from the Social Security Administration (the "SSA").<sup>1</sup> Wyeth also still needs to depose plaintiff's primary care physician prior to her stroke. Wyeth claims that it has attempted to schedule the doctor's deposition, but has been unable to do so


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<sup>1</sup>Wyeth claims that it has requested the records from the SSA several times over the last few months.

1 to date. Finally, Wyeth also needs to depose the nurse who cared  
2 for plaintiff upon her admission to the hospital after her  
3 stroke.

4 It is incumbent on each party to this litigation to pursue  
5 discovery in a timely fashion. If the parties have a difficult  
6 time scheduling third-party depositions, the court expects the  
7 parties to utilize the subpoena mechanism available to them under  
8 the federal rules of civil procedure. In the future, the court  
9 will not be inclined to grant discovery deadline extensions based  
10 on outstanding depositions unless the parties are able to  
11 demonstrate that they have made a concerted effort to schedule  
12 the depositions, using subpoenas if necessary, in a timely  
13 manner.

14 Notwithstanding the forgoing, the court hereby GRANTS the  
15 motion and extends the current discovery deadline by three  
16 months. It is hereby ordered that the parties shall have until  
17 August 15, 2005 to complete the case-specific fact discovery in  
18 this proceeding.

19 DATED at Seattle, Washington this 19th day of May, 2005.

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21 BARBARA JACOBS ROTHSTEIN  
22 UNITED STATES DISTRICT COURT  
23 JUDGE  
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